

## ATTACHMENT I

### **Statutory Citations Relating to Amendment to 19 TAC Chapter 97, Planning and Accountability, Subchapter AA, Accountability and Performance Monitoring, §97.1001, Accountability Rating System**

#### **Texas Education Code (TEC), §39.052, Determination of Accreditation Status or Performance Rating (excerpts):**

- (a) Each year, the commissioner shall determine the accreditation status of each school district.
- (b) In determining the accreditation status of a school district, the commissioner:
  - (1) shall evaluate and consider:
    - (A) performance on achievement indicators described by Section 39.053(c)

#### **TEC, §39.053, Performance Indicators: Achievement:**

- (a) The commissioner shall adopt a set of indicators of the quality of learning and achievement. The commissioner biennially shall review the indicators for the consideration of appropriate revisions.
- (a-1) The indicators adopted by the commissioner under Subsection (a), including the indicators identified under Subsection (c), must measure and evaluate school districts and campuses with respect to:
  - (1) improving student preparedness for success in:
    - (A) subsequent grade levels; and
    - (B) entering the workforce, the military, or postsecondary education;
  - (2) reducing, with the goal of eliminating, student academic achievement differentials among students from different racial and ethnic groups and socioeconomic backgrounds; and
  - (3) informing parents and the community regarding campus and district performance in the domains described by Subsection (c) and, for the domain described by Subsection (c)(5), in accordance with local priorities and preferences.
- (b) Performance on the achievement indicators adopted under Subsections (c)(1)-(4) shall be compared to state-established standards. The indicators must be based on information that is disaggregated by race, ethnicity, and socioeconomic status.
- (c) School districts and campuses must be evaluated based on five domains of indicators of achievement adopted under this section that include:
  - (1) in the first domain, the results of:
    - (A) assessment instruments required under Sections 39.023(a), (c), and (l), including the results of assessment instruments required for graduation retaken by a student, aggregated across grade levels by subject area, including:
      - (i) for the performance standard determined by the commissioner under Section 39.0241(a), the percentage of students who performed satisfactorily on the assessment instruments, aggregated across grade levels by subject area; and
      - (ii) for the college readiness performance standard as determined under Section 39.0241, the percentage of students who performed satisfactorily

on the assessment instruments, aggregated across grade levels by subject area; and

- (B) assessment instruments required under Section 39.023(b), aggregated across grade levels by subject area, including the percentage of students who performed satisfactorily on the assessment instruments, as determined by the performance standard adopted by the agency, aggregated across grade levels by subject area;
- (2) in the second domain:
- (A) for assessment instruments under Subdivision (1)(A):
    - (i) for the performance standard determined by the commissioner under Section 39.0241(a), the percentage of students who met the standard for annual improvement on the assessment instruments, as determined by the commissioner by rule or by the method for measuring annual improvement under Section 39.034, aggregated across grade levels by subject area; and
    - (ii) for the college readiness performance standard as determined under Section 39.0241, the percentage of students who met the standard for annual improvement on the assessment instruments, as determined by the commissioner by rule or by the method for measuring annual improvement under Section 39.034, aggregated across grade levels by subject area; and
  - (B) for assessment instruments under Subdivision (1)(B), the percentage of students who met the standard for annual improvement on the assessment instruments, as determined by the commissioner by rule or by the method for measuring annual improvement under Section 39.034, aggregated across grade levels by subject area;
- (3) in the third domain, the student academic achievement differentials among students from different racial and ethnic groups and socioeconomic backgrounds;
- (4) in the fourth domain:
- (A) for evaluating the performance of high school campuses and districts that include high school campuses:
    - (i) dropout rates, including dropout rates and district completion rates for grade levels 9 through 12, computed in accordance with standards and definitions adopted by the National Center for Education Statistics of the United States Department of Education;
    - (ii) high school graduation rates, computed in accordance with standards and definitions adopted in compliance with the No Child Left Behind Act of 2001 (20 U.S.C. Section 6301 et seq.);
    - (iii) the percentage of students who successfully completed the curriculum requirements for the distinguished level of achievement under the foundation high school program;
    - (iv) the percentage of students who successfully completed the curriculum requirements for an endorsement under Section 28.025(c-1);
    - (v) the percentage of students who completed a coherent sequence of career and technical courses;

- (vi) the percentage of students who satisfy the Texas Success Initiative (TSI) college readiness benchmarks prescribed by the Texas Higher Education Coordinating Board under Section 51.3062(f) on an assessment instrument in reading, writing, or mathematics designated by the Texas Higher Education Coordinating Board under Section 51.3062(c);
  - (vii) the percentage of students who earn at least 12 hours of postsecondary credit required for the foundation high school program under Section 28.025 or to earn an endorsement under Section 28.025(c-1);
  - (viii) the percentage of students who have completed an advanced placement course;
  - (ix) the percentage of students who enlist in the armed forces of the United States; and
  - (x) the percentage of students who earn an industry certification;
- (B) for evaluating the performance of middle and junior high school and elementary school campuses and districts that include those campuses:
  - (i) student attendance; and
  - (ii) for middle and junior high school campuses:
    - (a) dropout rates, computed in the manner described by Paragraph (A)(i); and
    - (b) the percentage of students in grades seven and eight who receive instruction in preparing for high school, college, and a career that includes information regarding the creation of a high school personal graduation plan under Section 28.02121, the distinguished level of achievement described by Section 28.025(b-15), each endorsement described by Section 28.025(c-1), college readiness standards, and potential career choices and the education needed to enter those careers; and
- (C) any additional indicators of student achievement not associated with performance on standardized assessment instruments determined appropriate for consideration by the commissioner in consultation with educators, parents, business and industry representatives, and employers; and
- (5) in the fifth domain, three programs or specific categories of performance related to community and student engagement locally selected and evaluated as provided by Section 39.0546.
- (c-1) An indicator adopted under Subsection (c) that would measure improvements in student achievement cannot negatively affect the commissioner's review of a school district or campus if that district or campus is already achieving at the highest level for that indicator.
- (c-2) The commissioner by rule shall determine a method by which a student's performance may be included in determining the performance rating of a school district or campus under Section 39.054 if, before the student graduates, the student:
  - (1) satisfies the Texas Success Initiative (TSI) college readiness benchmarks prescribed by the Texas Higher Education Coordinating Board under Section 51.3062(f) on an assessment instrument designated by the Texas Higher Education Coordinating Board under Section 51.3062(c); or

- (2) performs satisfactorily on an assessment instrument under Section 39.023(c), notwithstanding Subsection (d).
- (d) For purposes of Subsection (c), the commissioner by rule shall determine the period within which a student must retake an assessment instrument for that assessment instrument to be considered in determining the performance rating of the district under Section 39.054.
- (d-1) In aggregating results of assessment instruments across grade levels by subject in accordance with Subsection (c)(1), the performance of a student enrolled below the high school level on an assessment instrument required under Section 39.023(c) is included with results relating to other students enrolled at the same grade level.
- (e) [Repealed by Acts 2015, 84th Leg., ch. 1094 (H.B. 2804), effective June 19, 2015.]
- (f) Annually, the commissioner shall define the state standard for the current school year for each achievement indicator described by Subsections (c)(1)-(4) and shall project the state standards for each indicator for the following two school years. The commissioner shall periodically raise the state standards for the college readiness achievement indicator described by Subsection (c)(1)(A)(ii) for accreditation as necessary to reach the goals of achieving, by not later than the 2019-2020 school year:
  - (1) student performance in this state, disaggregated by race, ethnicity, and socioeconomic status, that ranks nationally in the top 10 states in terms of college readiness; and
  - (2) student performance with no significant achievement gaps by race, ethnicity, and socioeconomic status.
- (g) In defining the required state standard for the dropout rate indicator described by Subsections (c)(4)(A)(i) and (B)(ii)(a), the commissioner may not consider as a dropout a student whose failure to attend school results from:
  - (1) the student's expulsion under Section 37.007; and
  - (2) as applicable:
    - (A) adjudication as having engaged in delinquent conduct or conduct indicating a need for supervision, as defined by Section 51.03, Family Code; or
    - (B) conviction of and sentencing for an offense under the Penal Code.
- (g-1) In computing dropout and completion rates under Subsections (c)(4)(A)(i) and (B)(ii)(a), the commissioner shall exclude:
  - (1) students who are ordered by a court to attend a high school equivalency certificate program but who have not yet earned a high school equivalency certificate;
  - (2) students who were previously reported to the state as dropouts, including a student who is reported as a dropout, reenrolls, and drops out again, regardless of the number of times of reenrollment and dropping out;
  - (3) students in attendance who are not in membership for purposes of average daily attendance;
  - (4) students whose initial enrollment in a school in the United States in grades 7 through 12 was as unschooled refugees or asylees as defined by Section 39.027(a-1);
  - (5) students who are in the district exclusively as a function of having been detained at a county detention facility but are otherwise not students of the district in which the facility is located; and

- (6) students who are incarcerated in state jails and federal penitentiaries as adults and as persons certified to stand trial as adults.
- (g-2) In computing completion rates under Subsection (c)(2), the commissioner shall exclude students who:
  - (1) are at least 18 years of age as of September 1 of the school year as reported for the fall semester Public Education Information Management System (PEIMS) submission and have satisfied the credit requirements for high school graduation;
  - (2) have not completed their individualized education program under 19 T.A.C. Section 89.1070(b)(2) and the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.); and
  - (3) are enrolled and receiving individualized education program services.
- (h) Each school district shall cooperate with the agency in determining whether a student is a dropout for purposes of accreditation and evaluating performance by school districts and campuses under this chapter.
- (i) The commissioner by rule shall adopt accountability measures to be used in assessing the progress of students who have failed to perform satisfactorily as determined by the commissioner under Section 39.0241(a) or under the college readiness standard as determined under Section 39.0241 in the preceding school year on an assessment instrument required under Section 39.023(a), (c), or (l).

**TEC, §39.054, Methods and Standards for Evaluating Performance:**

- (a) **[3 Versions: Effective Until September 1, 2016]** The commissioner shall adopt rules to evaluate school district and campus performance and assign each district a performance rating of A, B, C, D, or F. In adopting rules under this subsection, the commissioner shall determine the criteria for each designated letter performance rating. A district performance rating of A, B, or C reflects acceptable performance and a district performance rating of D or F reflects unacceptable performance. The commissioner shall also assign each campus a performance rating of exemplary, recognized, acceptable, or unacceptable. A campus performance rating of exemplary, recognized, or acceptable reflects acceptable performance, and a campus performance rating of unacceptable reflects unacceptable performance. A district may not receive a performance rating of A if the district includes any campus with a performance rating of unacceptable. Not later than August 8 of each year, the performance rating of each district and campus shall be made publicly available as provided by rules adopted under this subsection. If a district or campus received a performance rating that reflected unacceptable performance for the preceding school year, the commissioner shall notify the district of a subsequent such designation on or before June 15.
- (a) **[3 Versions: Effective September 1, 2016]** The commissioner shall adopt rules to evaluate school district and campus performance and assign each district and campus a performance rating. In adopting rules under this subsection, the commissioner shall determine the criteria for each performance rating. Not later than August 15 of each year, the performance rating of each district and campus shall be made publicly available as provided by rules adopted under this subsection. If a district or campus received a performance rating that reflected unacceptable performance for the preceding school year, the commissioner shall notify the district of a subsequent such designation on or before June 15.
- (a) **[3 Versions: Effective September 1, 2017]** The commissioner shall adopt rules to evaluate school district and campus performance and assign each district and campus an overall performance rating of A, B, C, D, or F. In addition to the overall performance rating, the commissioner shall assign each district and campus a separate domain performance rating of A,

B, C, D, or F for each domain under Sections 39.053(c)(1)-(4). An overall or domain performance rating of A reflects exemplary performance. An overall or domain performance rating of B reflects recognized performance. An overall or domain performance rating of C reflects acceptable performance. An overall or domain performance rating of D or F reflects unacceptable performance. A district may not receive an overall or domain performance rating of A if the district includes any campus with a corresponding overall or domain performance rating of D or F. A reference in law to an acceptable rating or acceptable performance includes an overall or domain performance rating of A, B, or C or exemplary, recognized, or acceptable performance.

- (a-1) **[Effective September 1, 2017]** For purposes of assigning an overall performance rating under Subsection (a), the commissioner shall attribute:
  - (1) 55 percent of the performance evaluation to the achievement indicators for the first, second, and third domains under Sections 39.053(c)(1)-(3);
  - (2) for middle and junior high school and elementary campuses and districts that include only those campuses, 35 percent of the performance evaluation to the applicable achievement indicators for the fourth domain under Section 39.053(c)(4);
  - (3) for high school campuses and districts that include those campuses:
    - (A) 10 percent of the performance evaluation to the high school graduation rate achievement indicator described by Section 39.053(c)(4)(A)(ii); and
    - (B) 25 percent to the remaining applicable achievement indicators for the fourth domain under Section 39.053(c)(4); and
  - (4) 10 percent of the performance evaluation to the locally selected and evaluated achievement indicators provided for under the fifth domain under Section 39.053(c)(5).
- (a-2) **[Effective September 1, 2017]** The commissioner by rule shall adopt procedures to ensure that a repeated performance rating of D or F or unacceptable in one domain, particularly performance that is not significantly improving, is reflected in the overall performance rating of a district or campus and is not compensated for by a performance rating of A, B, or C in another domain.
- (a-3) **[Effective September 1, 2017]** Not later than August 15 of each year, the performance ratings of each district and campus shall be made publicly available as provided by rules adopted under this section. If a district or campus received an overall or domain performance rating of D or F for the preceding school year, the commissioner shall notify the district of a subsequent such designation on or before June 15.
- (b) [Repealed by Acts 2015, 84th Leg., ch. 1094 (H.B. 2804), effective June 19, 2015.]
- (b-1) Consideration of the effectiveness of district programs under Section 39.052(b)(2)(B) or (C):
  - (1) must:
    - (A) be based on data collected through the Public Education Information Management System (PEIMS) for purposes of accountability under this chapter; and
    - (B) include the results of assessments required under Section 39.023; and
  - (2) may be based on the results of a special accreditation investigation conducted under Section 39.057.
- (c) **[2 Versions: Effective Until September 1, 2017]** In evaluating school district and campus performance on the student achievement indicators adopted under Sections 39.053(c)(1) and (2),

the commissioner shall define acceptable performance as meeting the state standard determined by the commissioner under Section 39.053(e) for the current school year based on:

- (1) student performance in the current school year; or
  - (2) student performance as averaged over the current school year and the preceding two school years.
- (c) **[2 Versions: Effective September 1, 2017]** In evaluating school district and campus performance on the achievement indicators for student performance on assessment instruments adopted under Sections 39.053(c)(1) and (2) and the dropout rate indicator adopted under Sections 39.053(c)(4)(A)(i) and (B)(ii)(a), the commissioner shall define acceptable performance as meeting the state standard determined by the commissioner under Section 39.053(f) for the current school year based on:
- (1) student performance in the current school year; or
  - (2) student performance as averaged over the current school year and the preceding two school years.
- (d) [Repealed by Acts 2015, 84th Leg., ch. 1094 (H.B. 2804), effective June 19, 2015.]
- (d-1) [Repealed by Acts 2015, 84th Leg., ch. 1094 (H.B. 2804), effective June 19, 2015.]
- (e) **[2 Versions: Effective Until September 1, 2017]** Each annual performance review under this section shall include an analysis of the student achievement indicators adopted under Section 39.053(c) to determine school district and campus performance in relation to:
- (1) standards established for each indicator; and
  - (2) required improvement as defined under Section 39.053(e).
- (e) **[2 Versions: Effective September 1, 2017]** Each annual performance review under this section shall include an analysis of the achievement indicators adopted under Sections 39.053(c)(1)-(4) to determine school district and campus performance in relation to standards established for each indicator.
- (f) **[2 Versions: Effective Until September 1, 2017]** In the computation of dropout rates under Section 39.053(c)(2), a student who is released from a juvenile pre-adjudication secure detention facility or juvenile post-adjudication secure correctional facility and fails to enroll in school or a student who leaves a residential treatment center after receiving treatment for fewer than 85 days and fails to enroll in school may not be considered to have dropped out from the school district or campus serving the facility or center unless that district or campus is the one to which the student is regularly assigned. The agency may not limit an appeal relating to dropout computations under this subsection.
- (f) **[2 Versions: Effective September 1, 2017]** In the computation of dropout rates under Sections 39.053(c)(4)(A)(i) and (B)(ii)(a), a student who is released from a juvenile pre-adjudication secure detention facility or juvenile post-adjudication secure correctional facility and fails to enroll in school or a student who leaves a residential treatment center after receiving treatment for fewer than 85 days and fails to enroll in school may not be considered to have dropped out from the school district or campus serving the facility or center unless that district or campus is the one to which the student is regularly assigned. The agency may not limit an appeal relating to dropout computations under this subsection.

**TEC, §39.0545, School District Evaluation of Performance in Community and Student Engagement; Compliance:**

- (a) Each school district shall evaluate the district's performance and the performance of each campus in the district in community and student engagement and in compliance as provided by this section and assign the district and each campus a performance rating of exemplary, recognized, acceptable, or unacceptable for both overall performance and each individual evaluation factor listed under Subsection (b). Not later than August 8 of each year, the district shall report each performance rating to the agency and make the performance ratings publicly available as provided by commissioner rule.
- (b) For purposes of assigning the performance ratings under Subsection (a), a school district must evaluate:
  - (1) the following programs or specific categories of performance at each campus:
    - (A) fine arts;
    - (B) wellness and physical education;
    - (C) community and parental involvement, such as:
      - (i) opportunities for parents to assist students in preparing for assessments under Section 39.023;
      - (ii) tutoring programs that support students taking assessments under Section 39.023; and
      - (iii) opportunities for students to participate in community service projects;
    - (D) the 21st Century Workforce Development program;
    - (E) the second language acquisition program;
    - (F) the digital learning environment;
    - (G) dropout prevention strategies; and
    - (H) educational programs for gifted and talented students; and
  - (2) the record of the district and each campus regarding compliance with statutory reporting and policy requirements.
- (c) A school district shall use criteria developed by a local committee to evaluate:
  - (1) the performance of the district's campus programs and categories of performance under Subsection (b)(1); and
  - (2) the record of the district and each campus regarding compliance under Subsection (b)(2).

**TEC, §39.0548, Evaluating Dropout Recovery Schools:**

- (a) For purposes of evaluating performance under Section 39.053(c), the commissioner shall designate as a dropout recovery school a school district or an open-enrollment charter school or a campus of a district or of an open-enrollment charter school:
  - (1) that serves students in grades 9 through 12 and has an enrollment of which at least 50 percent of the students are 17 years of age or older as of September 1 of the school year as reported for the fall semester Public Education Information Management System (PEIMS) submission; and

- (2) that meets the eligibility requirements for and is registered under alternative education accountability procedures adopted by the commissioner.
- (b) Notwithstanding Section 39.053(c)(4)(A)(i), the commissioner shall use the alternative completion rate under this subsection to determine the dropout rate indicator under Section 39.053(c)(4)(A)(i) for a dropout recovery school. The alternative completion rate shall be the ratio of the total number of students who graduate, continue attending school into the next academic year, or receive a high school equivalency certificate to the total number of students in the longitudinal cohort of students.
- (c) Notwithstanding Section 39.053(c)(4)(A)(i), in determining the performance rating under Section 39.054 of a dropout recovery school, the commissioner shall include any student described by Section 39.053(g-1) who graduates or receives a high school equivalency certificate.
- (d) Notwithstanding Section 39.053(c), for purposes of evaluating a dropout recovery school under the accountability procedures adopted by the commissioner to determine the performance rating of the school under Section 39.054:
  - (1) only the best result from the primary administration or any retake of an assessment instrument administered to a student in the school year evaluated may be considered; and
  - (2) only a student enrolled continuously for at least 90 days during the school year evaluated may be considered.

**TEC, §39.055, Student Ordered by a Juvenile Court or Student in Residential Facility Not Considered for Accountability Purposes:**

Notwithstanding any other provision of this code except to the extent otherwise provided under Section 39.054(f), for purposes of determining the performance of a school district, campus, or open-enrollment charter school under this chapter, a student ordered by a juvenile court into a residential program or facility operated by or under contract with the Texas Juvenile Justice Department, a juvenile board, or any other governmental entity or any student who is receiving treatment in a residential facility is not considered to be a student of the school district in which the program or facility is physically located or of an open-enrollment charter school, as applicable. The performance of such a student on an assessment instrument or other student achievement indicator adopted under Section 39.053 or reporting indicator adopted under Section 39.301 shall be determined, reported, and considered separately from the performance of students attending a school of the district in which the program or facility is physically located or an open-enrollment charter school, as applicable.

**TEC, §39.151, Review by Commissioner: Accountability Determination:**

- (a) The commissioner by rule shall provide a process for a school district or open-enrollment charter school to challenge an agency decision made under this chapter relating to an academic or financial accountability rating that affects the district or school.
- (b) The rules under Subsection (a) must provide for the commissioner to appoint a committee to make recommendations to the commissioner on a challenge made to an agency decision relating to an academic performance rating or determination or financial accountability rating. The commissioner may not appoint an agency employee as a member of the committee.
- (c) The commissioner may limit a challenge under this section to a written submission of any issue identified by the school district or open-enrollment charter school challenging the agency decision.

- (d) The commissioner shall make a final decision under this section after considering the recommendation of the committee described by Subsection (b). The commissioner's decision may not be appealed under Section 7.057 or other law.
- (e) A school district or open-enrollment charter school may not challenge an agency decision relating to an academic or financial accountability rating under this chapter in another proceeding if the district or school has had an opportunity to challenge the decision under this section.

**TEC, §39.201, Distinction Designations:**

- (a) Not later than August 8 of each year, the commissioner shall award distinction designations for outstanding performance as provided by this subchapter. A distinction designation awarded to a district or campus under this subchapter shall be referenced directly in connection with the performance rating assigned to the district or campus and made publicly available together with the performance ratings as provided by rules adopted under Section 39.054(a).
- (b) A district or campus may not be awarded a distinction designation under this subchapter unless the district or campus has acceptable performance under Section 39.054.
- (c) In addition to the condition prescribed by Subsection (b), an open-enrollment charter school may not be awarded a distinction designation under this subchapter if the charter school is evaluated under alternative education accountability procedures adopted by the commissioner.

**TEC, §39.2011, Applicability to Charter Schools:**

In this subchapter:

- (1) a district includes an open-enrollment charter school that operates on more than one campus; and
- (2) a campus includes an open-enrollment charter school campus.

**TEC, §39.202, Academic Distinction Designation for Districts and Campuses:**

The commissioner by rule shall establish an academic distinction designation for districts and campuses for outstanding performance in attainment of postsecondary readiness. The commissioner shall adopt criteria for the designation under this section, including:

- (1) percentages of students who:
  - (A) performed satisfactorily, as determined under the college readiness performance standard under Section 39.0241, on assessment instruments required under Section 39.023(a), (b), (c), or (l), aggregated across grade levels by subject area; or
  - (B) met the standard for annual improvement, as determined by the agency under Section 39.034, on assessment instruments required under Section 39.023(a), (b), (c), or (l), aggregated across grade levels by subject area, for students who did not perform satisfactorily as described by Paragraph (A);
- (2) percentages of:
  - (A) students who earned a nationally or internationally recognized business or industry certification or license;
  - (B) students who completed a coherent sequence of career and technical courses;

- (C) students who completed a dual credit course or an articulated postsecondary course provided for local credit;
  - (D) students who achieved applicable College Readiness Benchmarks or the equivalent on the Preliminary Scholastic Assessment Test (PSAT), the Scholastic Assessment Test (SAT), the American College Test (ACT), or the ACT-Plan assessment program; and
  - (E) students who received a score on either an advanced placement test or an international baccalaureate examination to be awarded college credit; and
- (3) other factors for determining sufficient student attainment of postsecondary readiness.

**TEC, §39.203, Campus Distinction Designations:**

- (a) The commissioner shall award a campus a distinction designation for outstanding performance in improvement in student achievement if the campus is ranked in the top 25 percent of campuses in the state in annual improvement in student achievement as determined under Section 39.034.
- (b) In addition to the distinction designation described by Subsection (a), the commissioner shall award a campus a distinction designation for outstanding performance in closing student achievement differentials if the campus demonstrates an ability to significantly diminish or eliminate performance differentials between student subpopulations and is ranked in the top 25 percent of campuses in this state under the performance criteria described by this subsection. The commissioner shall adopt rules related to the distinction designation under this subsection to ensure that a campus does not artificially diminish or eliminate performance differentials through inhibiting the achievement of the highest achieving student subpopulation.
- (c) In addition to the distinction designations described by Subsections (a) and (b), a campus that satisfies the criteria developed under Section 39.204 shall be awarded a distinction designation by the commissioner for outstanding performance in academic achievement in English language arts, mathematics, science, or social studies.
- (d) In addition to the distinction designations otherwise described by this section, the commissioner may award a distinction designation for outstanding performance in advanced middle or junior high school student achievement to a campus with a significant number of students below grade nine who perform satisfactorily on an end-of-course assessment instrument administered under Section 39.023(c).

**TEC, §29.081, Compensatory, Intensive, and Accelerated Instruction (excerpt):**

- (e) A school district may use a private or public community-based dropout recovery education program to provide alternative education programs for students at risk of dropping out of school. The programs must:
  - (1) provide not less than four hours of instructional time per day;
  - (2) employ as faculty and administrators persons with baccalaureate or advanced degrees;
  - (3) provide at least one instructor for each 28 students;
  - (4) perform satisfactorily according to performance indicators and accountability standards adopted for alternative education programs by the commissioner; and
  - (5) comply with this title and rules adopted under this title except as otherwise provided by this subsection.

**TEC, §12.104, Applicability of the Title (excerpt):**

- (b) An open-enrollment charter school is subject to:
  - (2) a prohibition, restriction, or requirement, as applicable, imposed by this title or a rule adopted under this title, relating to:
    - (L) public school accountability under Subchapters B, C, D, E, F, G, and J, Chapter 39;